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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

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13 UNITED STATES OF AMERICA, ) No. CR 05-00445-RMW  
14 )  
15 Plaintiff, ) STIPULATION REGARDING  
16 v. ) EXCLUDABLE TIME, CONTINUANCE  
17 ) AND ORDER  
18 NATHANIEL E. LOVELL, )  
19 aka Nate Lovell, aka pestilenc, aka pest, )  
20 Defendant. )  
21 )

22 It is hereby stipulated and agreed between defendant Nathaniel E. Lovell, and his counsel  
23 Jack Gordon, and the United States as follows:

24 This matter was set for a status conference on September 26, 2005 at 9:00 a.m. In this  
25 copyright infringement case, the defense needs more time to prepare, review discovery  
26 previously provided, including a substantial amount of digital evidence, and research legal and  
27 sentencing issues. On July 14, 2005, defendant Lovell was arraigned on a nine-count indictment,  
28 charging as follows: Count One: Conspiracy to Commit Criminal Copyright Infringement,  
Infringement By Electronic Means, Infringement By Distributing A Commercial Distribution  
Work, Traffic in Devices to Circumvent a Technological Measure that Protects a Copyright

STIPULATION REGARDING EXCLUDABLE TIME AND ORDER  
CR 05-00445-RMW

1 Work, Circumvent a Technological Measure that Protects a Copyright Work, and Use  
2 Audiovisual Recording Devices to Make Unauthorized Copies Of Audiovisual Works, in  
3 violation of 18 U.S.C. § 371; Count Two: Circumventing a Technological Measure Protecting a  
4 Copyright Work and Aiding and Abetting, in violation of 17 U.S.C. §§ 1201(a)(1)(A),  
5 1204(a)(1), and 18 U.S.C. § 2; Counts Three, Four and Five: Trafficking in Technology  
6 Primarily Designed to Circumvent Technological Measures Protecting A Right of a Copyright  
7 Owner and Aiding and Abetting, in violation of 17 U.S.C. §§ 1201(a)(2)(A), and 1204(a)(1) and  
8 18 U.S.C. § 2; Counts Six, Seven, Eight and Nine: Criminal Copyright Infringement By  
9 Electronic Means and Aiding and Abetting, in violation of 17 U.S.C. § 506(a)(1)(B), 18 U.S.C.  
10 § 2319(c)(1) and 18 U.S.C. § 2; and an allegation of Criminal Forfeiture and Destruction, in  
11 violation of 17 U.S.C. §§ 506(b) and 509(a).

12 The parties stipulate and move the Court to exclude time under the Speedy Trial Act from the  
13 September 26, 2005, until October 3, 2005, because the parties believe that the ends of justice  
14 served by the granting of such a continuance outweigh the best interests of the public and the  
15 defendant in a speedy trial, particularly since reasonable time is needed for the defense to  
16 prepare for pretrial and trial matters, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii).  
17 The parties further stipulate that time may be excluded for reasonable time for defense  
18 preparation, since the failure to exclude time would deny counsel for the defendant reasonable  
19 time necessary for effective preparation, taking into account the exercise of due diligence,

20 // // //

21 // // //

1 pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(iv). The parties request that the status  
2 conference set for September 26, 2005 be continued to October 3, 2005 at 9:00 a.m.

3 So stipulated.

4 Dated: September 20, 2005

KEVIN V. RYAN  
United States Attorney

/s/

6  
7 MARK L. KROTOSKI  
Assistant United States Attorney

8 So stipulated.

9 Dated: September 20, 2005

/s/

10 JACK GORDON  
11 Attorney for Defendant Lovell  
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**ORDER**

Based upon the foregoing Stipulation and good cause appearing therefor,

**IT IS HEREBY ORDERED** that the status conference set for September 26, 2005 at 9:00 a.m. for defendant Lovell shall be continued to October 3, 2005 at 9:00 a.m.

**IT IS FURTHER ORDERED** that the time between September 26, 2005 and October 3, 2005 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation.. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial under 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii) (complexity), 3161(h)(8)(B)(iv) (reasonable time necessary for effective preparation taking into account the exercise of due diligence).

DATED: October 18, 2005

/s/ Ronald M. Whyte

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RONALD M. WHYTE  
United States District Judge